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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,039	08/15/2001	Daniel Leontiev	OE-89	1874

7590 10/21/2005

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EXAMINER	
NASH, LASHANYA RENEE	
ART UNIT	**PAPER NUMBER**
2153	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/929,039	LEONTIEV ET AL.	
	Examiner	Art Unit	
	LaShanya R Nash	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to an Amendment filed July 28, 2005. Claims 8-10 are presented for further consideration.

Response to Arguments

Claim objections, see Remarks, with respect to claims 5-7 under 37 CFR 1.75 (c) are withdrawn as claims 5-7 are cancelled.

Claim rejections, see Remarks, with respect to claims 5-7 under 35 USC 103, are withdrawn as claims 5-7 are cancelled.

Applicant's arguments have been fully considered but they are not persuasive. Therefore, newly presented claims 8-10 are rejected under 35 USC 103 with previously applied references Venkatraman and Motoyama as set forth below in the Office Action.

In considering the Applicant's arguments the following factual remarks are noted:

(I) Applicant contends that Venkatraman fails to teach or suggest the limitation "controllers, panel meters, transmitters and signal conditioners for industrial plant machinery and process".

In considering (I), Applicant contends fails to teach or suggest the limitation "controllers, panel meters, transmitters and signal conditioners for industrial plant

machinery and process", but however is directed towards operation of a printer device. Examiner respectfully disagrees. Examiner asserts that Venkatraman discloses an apparatus which is employed for the remote control of a variety of devices Venkatraman (column 1), therefore the disclosure is not limited to printer devices as suggested by the Applicant. As explicitly disclosed by Venkatraman, the specific references to operation of a printing device is employed only as an illustrative example, as is not intended to limit the functionality of the disclosed invention, (column 8, lines 1-13; Figure 3-"the following information pertains to the device 10 which in this example is a printer"). Furthermore, Venkatraman specifically discloses remote control of "lab equipment includes measurement devices such as oscilloscopes, spectrum analyzers and other types of measurement devices", (column 3; Figure 1-item 10). Additionally, Examiner asserts that the remote control of lab equipment and measurement instruments as disclosed by Venkatraman is functionally equivalent to the Applicant's invention. Therefore, Examiner maintains the rejection under 35 USC 103 with previously applied references Venkatraman and Motoyama as set forth below in the Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman et al. (US Patent 5,956,487) in view of Motoyama et al. (US Patent 6,631,247), hereinafter referred to as Venkatraman and Motoyama respectively.

In reference to claim 6, Venkatraman shows an embedding web access mechanism that provides network accessible user interface functions (abstract and column 2, lines 1-41). Venkatraman further shows:

- An apparatus (Figure 1) for control and supervision at a remote location (i.e. device-specific user interface functions, column 3, lines 1-12; Figures 2&5-item 40) of devices comprising controllers, panel meters, transmitters and signal conditioners for industrial equipment and processing (i.e. variety of devices, column 1,lines 14-27 and column 3), comprising:
- A control and supervision means (i.e. computer system with user interface), (column 5, lines 51-60;Figure 2;column 7, lines 30-36; and Figure 4) which inputs electrical signals from sensors and transducers to measure and monitor variables such as temperature, humidity, pressure, strain, weight, vibration frequency, rate, speed, pH, voltage and current, (i.e. lab equipment includes measurement devices such as oscilloscopes, spectrum analyzers and other types of measurement devices", (column 3; Figure 1-item 10);
- A Web server apparatus connected to the control and supervision means to enable it to be connected to the Internet or to the Ethernet, (column 3, lines 13-26;column 4, lines 26-28;column 7, lines 24-29; and Figure 1);

- A control and supervision apparatus whereby the apparatus monitors supervises and controls the devices and processes to and from the remote location, (columns 3-5).

However the reference does not explicitly show an improvement comprising an E-mail connection between the control and supervision apparatus and the devices, whereby the device is supervised controlled via E-mail; and connecting to the Internet using TCP/IP. Nonetheless, these would have been an obvious modifications to the mechanism as disclosed by Venkatraman for one of ordinary skill in the art at the time of the invention, as further evidenced by Motoyama.

In an analogous art, Motoyama shows a system employed to transmit machine status e-mails comprising gathered diagnostic, monitor, and control information of remote machines (abstract and column 3, lines 8-29). Motoyama further shows the system to comprise an e-mail connection between the aforementioned machines (i.e. plant machinery) and the computer for monitoring, diagnosing, and controlling the machine via E-mail (i.e. control and supervision apparatus; column 6, lines 21-45). Motoyama further shows connecting to the Internet using TCP/IP (column 3, lines 30-45). These modifications to the aforementioned mechanism as disclosed by Venkatraman would have been obvious, because one of ordinary skill in the art would have been motivated so as to employ a convenient and inexpensive form of communication to forward appropriate machine-based information to system users (i.e. resource manager), (Motoyama column 2, lines 32-38).

In reference to claim 9, Venkatraman shows the apparatus wherein the monitored information is served to a computer by HTML file and is sent as an HTTP command in alphanumeric characters and/or graphics (column 3, lines 34-42; columns 6-8; Figure 3) to a device to control the device and to effect automatic set-point adjustments (i.e. functions and operating states of the device; column 3, lines 5-26) according to a pre-arranged program (i.e. software that performs control and information monitoring and logging functions of the monitor; column 4), (columns 4-8).

In reference to claim 10, Venkatraman discloses a method for employing a device with an embedded web server, in order to enable access of the device control interface via a remote location (column 2, lines 27-30 and column 2, lines 37-41). Venkatraman explicitly discloses the embedded web access method to comprise:

- A method of operating an apparatus controlling and supervising an operation at a remote location (i.e. device-specific user interface functions, column 3, lines 1-12), comprising the steps of:
- Transmitting information from a means for controlling and supervising the operation (i.e. computer system with user interface), to a web server, (column 5, line 65 to column 6, line 5); and
- Transmitting the information via the web server to the Internet or Ethernet, (column 3, lines 27-33);
- Receiving the information from the Internet or Ethernet, (column 3, lines 17-21);

- Modifying the operation (i.e. control the functions and operating states of the device; column 3, lines 5-26) by application of the received information, (column 3, lines 21-26 and column 3, lines 35-39) in a pre-arranged program (i.e. software that performs control and information monitoring and logging functions of the monitor; column 4).

However the reference does not explicitly show an improvement comprising transmission and reception of the information via E-mail. Nonetheless, this would have been an obvious modification to the mechanism as disclosed by Venkatraman for one of ordinary skill in the art at the time of the invention, as further evidenced by Motoyama.

In an analogous art, Motoyama shows a method employed to transmit machine status e-mails comprising gathered diagnostic, monitor, and control information of remote machines (abstract and column 3, lines 8-29). Motoyama further shows the method to comprise transmission and reception of the machine status information via E-mail (column 6, lines 21-45). This modification to the aforementioned method as disclosed by Venkatraman would have been obvious, because one of ordinary skill in the art would have been motivated so as to employ a convenient and inexpensive form of communication to forward appropriate machine-based information to system users (i.e. resource manager), (Motoyama column 2, lines 32-38).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final

action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya Nash whose telephone number is (571) 272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

LaShanya Nash
Art Unit 2153
October 12, 2005

Dung C. Dinh
Primary Examiner